

**RUSHVILLE CITY COMMON COUNCIL
TUESDAY, OCTOBER 5, 2004
6:00 P.M.**

PUBLIC HEARING:

Rush County Students Building Corporation Annexation – At 6:00 p.m. Bridges declared the public hearing open. He asked for any comment or questions from the public. The property to be annexed is behind the tennis courts and butts up against the Middle School and the fair grounds and City. The land is now bare. There was no comment from the public. Councilman Byrne made a motion to close the public hearing. Pavey seconded the motion. The public hearing was closed.

The Rushville City Common Council met on the above date and time at 270 West 15th Street, Rushville, Indiana. Mayor Bridges called the meeting to order at 6:05 p.m., with Chris Fields, Darrin McGowan, John Byrne, and Mike Pavey answering roll call. Councilman Sheehan entered the meeting after the roll was called. Also present were City Attorney, Julie Newhouse, Starr Shuppert, *Rushville Republican*, and Scott Murray, WKWH.

MINUTES * * *

Minutes of the September 21, 2004, were presented for approval. Fields made a motion to approve the minutes as presented. Pavey seconded the motion. Motion carried.

MAYOR'S REPORT * * *

Mayor Bridges reported the following to Council:

- Attended the IACT conference last week in Evansville. Attended workshops on Code Enforcement, TIF and Tax Abatement Reauthorization, Part I, II, III Economic Development Leadership Orienteering; Local Leadership in a Changing World, and Balancing Historic Preservation and Economic Development Concerns.
- The first session of the Rush County Leadership Academy began last Saturday with a retreat at the Booker T Washington Center. We have nine persons enrolled in the inaugural class. This is an exciting class and I was impressed with those in attendance and feel we will have an excellent class of leaders for Rush County upon the graduation of this class.
- RMH will be offering flu shots to city employees on 10/14/04 from 8:00 a.m. to noon at City Hall. The cost of the immunization is \$15.00.
- Today I received a copy of the Phase I and II plans for the installation of the fiber optic cable in Rush County. It will be at City Hall for your inspection.
- The next meeting is scheduled for election day. It was the consensus of Council to change the meeting date to Monday, November 1.

CLERK-TREASURER'S REPORT * * *

None.

COUNCIL PRESEIDENT REPORT * * *

Pavey said they received the okay to look at the South levy area for a park. They will be presenting this to the Park Board.

He is also working on the budget spreadsheat and hopes to have it to Council soon.

DEPARTMENT HEAD REPORTS * * *

Park – Mathews invited everyone to the Halloween parade which will be the 31st at 5:00 p.m.

CITIZEN CONCERNS * * *

Bridges received a request from the Area Plan on the property formerly owned by Randy Grady on Main Street. The new owner, Scott Wagner, was told when he bought the property that he could rent out the carriage house. Todd has said it was a special exception to rent to a family member. Wagner is asking to have the property rezoned for rental. Todd has refused to allow Wagner a hearing unless he receives a favorable recommendation from Council.

Sheehan made a motion to follow through with a unfavorable recommendation. Motion died for lack of second.

Byrne said he agrees with Sheehan, but believes that it is unfair not to allow Wagner to have a hearing.

Fields made a motion to give a favorable recommendation to use the carriage house as a rental property. Motion died for lack of a second.

Sheehan made a motion to have the Mayor relay the message to Todd that Wagner should be heard, but to give an unfavorable recommendation to allow the carriage house for a rental. Pavey seconded the motion. Motion did not pass with a vote of 2–3. Councilmen Fields, Byrne and McGowan voted nay.

Byrne then made a motion to have the Mayor report to Todd that this matter does not fall under the moratorium as stated by Todd and that Council believes

Wagner should be allowed a hearing. McGowan seconded the motion. Motion carried.

McGowan received a call from Denny Corn stating that he had received a fine from Bill Todd because he did not have a proper permit for his pool. Todd told Corn that the City had adopted the State ordinance. Corn is asking for something in writing as to whether or not the City has adopted the ordinance. Bridges said he will research the matter and get back with Corn.

John Byrne asked about the variance at Wilson Estates for the new house Tracy Hittle is to build. Bridges said he had talked to Bill Todd and Todd said there was no issue and the matter was worked out.

UNFINISHED BUSINESS * * *

Wilson Estates Bids – One bid was received from Tom Montgomery for lot #4 in the amount of \$15,000.00. Montgomery said he had a concern before allowing the bid to go through. He was not comfortable with the clause in the notice that said **“Subject to all rules and regulations of a homeowners association to be determined at a later date.”** Montgomery asked for clarification. Council agreed to accept the bid with that clause deleted. Montgomery was comfortable with that and said to consider his bid. Fields made a motion a motion to sell lot #4 to Montgomery for \$15,000.00 with the above clause deleted. Byrne seconded the motion. Motion carried.

Fields said he thinks we should continue to try to sell the lots in order to have the money to fix the drainage problem.

Sheehan said we should sell the lots to the highest bidder whatever the cost and that is what will go towards fixing the drainage problem.

Byrne made a motion to readvertise remaining the remaining lots at the appraised value. Motion died for lack of second.

Sheehan made a motion to readvertise the remaining lots at the appraised value with the addition that they must form a Homeowners Association. Sheehan withdrew his motion.

Fields made a motion to advertise as before with the deletion of the paragraph **“Subject to all rules and regulations of a homeowners association to be determined at a later date.”** Byrne seconded the motion. Motion did not pass with a vote of 2-3. Councilmen Pavey, McGowan and Sheehan voted nay.

McGowan made a motion to advertise as earlier with the deletion of the above clause. Also that with the addition that a Homeowners Association must be formed within 2 years. McGowan withdrew his motion.

Pavey made a motion to advertise to sell the remaining lots at 90% of the appraised value with the proceeds to be held until Council feels comfortable that the property owners have addressed the formation of a governing body in the neighborhood and the following clause deleted **"Subject to all rules and regulations of a homeowners association to be determined at a later date."** Fields seconded the motion. Motion carried with Councilman Byrne voting Nay.

Flatrock River Lodge Bond Redemption and Agreement – Sheehan made a motion to approve Resolution 2004-22 and the Closing Agreement for Tax Liability. Pavey seconded the motion. Motion carried.

Resolution 2004-23, Dumpster Fee – Byrne made a motion to approve the resolution to deposit the dumpster fee into the Sanitation Non-Reverting Fund. Sheehan seconded. Motion carried.

Claims – McGowan made a motion to approve the claims as presented. Pavey seconded the motion. Motion carried.

There being no further business to come before Council, Pavey made a motion to adjourn. Byrne seconded the motion. The meeting adjourned at 8:17 p.m.

ROBERT M. BRIDGES, MAYOR

CHRISTOPHER S. FIELDS, MEMBER

DARRIN L. MCGOWAN, MEMBER

JOHN M. BYRNE, MEMBER

BRIAN J. SHEEHAN, MEMBER

MICHAEL P. PAVEY, MEMBER

ATTEST:

ANN L. COPLEY, CLERK-TREASURER